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SUBJECT: EMBASSY GUATEMALA'S ASSESSMENT OF UN FIELD  
COVERAGE OF HUMAN RIGHTS

REF: STATE 2023

¶1. Summary: As requested in reftel, following is post's assessment of the Guatemala office of the UN High Commissioner for Human Rights (OHCHR/Guatemala), including a description of the office, its successes and challenges in promoting human rights, its relationship with the GOG, civil society, and political opposition parties, and areas in which the USG can initiate or provide additional support. In 2008, OHCHR/Guatemala continued to focus its programs on combating insecurity, impunity, and poverty and had some positive results, although serious challenges remain. End Summary.

#### Description of Guatemala Office

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¶2. The OHCHR/Guatemala was established in 2005 under a renewable three-year mandate. It has a staff of 38 and a budget of \$3.8 million, half of which is used for administrative operations including salaries and half for its human rights activities. The office monitored the human rights situation in Guatemala, advised the GOG and civil society on human rights issues, and provided technical assistance, in accordance with its mandate.

¶3. OHCHR/Guatemala fulfilled its mandate while working in an environment marked by increasing levels of violence and insecurity. According to Juan Carlos Monge, Deputy Representative of OHCHR/Guatemala, Guatemala has one of the highest levels of violence among countries not in conflict. The office, therefore, focused its work on defending the right to life and prioritized programs that combat insecurity, impunity, and poverty. Its specific programs centered on: rule of law; security; economic, social, and cultural rights; and the rights of indigenous peoples. Anders Kompass, Representative of OHCHR/Guatemala, engages frequently through the press on the importance of improving security and strengthening its weak state institutions should be the GOG's priority goals.

#### Successes

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¶4. In 2008, OHCHR/Guatemala worked with the Public Ministry (Attorney General's Office) and the National Civil Police (PNC) to strengthen their capacity to confront the country's security challenges, including a plan to strengthen the Public Ministry's Witness Protection Program. OHCHR/Guatemala plans to continue to work with the Public Ministry in 2009 to implement its recommendations. The office also trained the PNC on human rights and implementation of the Law Against Femicide and Other Forms of Violence Against Women, and provided technical assistance to Congress on how to draft legislation related to security issues.

¶15. OHCHR/Guatemala organized a series of public events to promote the 60th anniversary of the Universal Declaration of Human Rights and established partnerships with government institutions, NGOs, academic bodies, and private sector organizations. The office targeted the young, urban population in its public awareness campaign and disseminated over 22,000 copies of the Universal Declaration.

¶16. In conjunction with the Social Studies and Research Association (ASIES), a policy think tank, OHCHR/Guatemala conducted a study and drafted a report on how to increase the indigenous population's access to formal and informal systems of justice. The office presented the report to the Judiciary and the Public Ministry and will work with the GOG to implement its recommendations. The office has also received funding from the government of Norway to create a public interest legal clinic where anyone, especially members of the indigenous population, who has suffered a human rights violation can receive free legal advice.

#### Challenges

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¶17. OHCHR/Guatemala faces enormous challenges: an increasing level of violence, the growing power and influence of organized criminal groups, a high level of impunity, and an ineffective justice system, which complicate the organization's ability to carry out its mandate. According to Monge, the current economic crisis will undoubtedly affect funding from international donors, which could impact the office's operational budget and force it to cut back on programs.

#### Relationship with the GOG

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¶18. OHCHR/Guatemala has a constructive, frank, and open relationship with the GOG, especially with the Ministry of Foreign Affairs, according to Monge. In September 2008, the GOG renewed OHCHR's mandate in Guatemala for three additional years, a positive public indication of the GOG's desire to continue working with the organization. Monge also stated that the GOG welcomes the organization's recommendations on how to more effectively confront the challenges that it faces.

#### Relationship with Civil Society

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¶19. Civil society has criticized OHCHR/Guatemala for not focusing sufficient attention on combating violence against human rights defenders and for being overly reserved in its public statements and reports. According to Monge, civil society initially misconstrued OHCHR/Guatemala as a new MINUGUA (UN Verification Mission in Guatemala) and had unrealistic expectations of what the office could achieve within its mandate. Monge believes, however, that civil society now views the Guatemala office as an invaluable interlocutor between civil society, the GOG, and the international community.

#### Relationship with Political Opposition Parties

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¶10. Monge noted that currently OHCHR/Guatemala does not appear to have a strong working relationship with political opposition parties, and plans to consolidate its relationship with Congress in 2009.

#### Recommendations for USG Support

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¶11. Monge emphasized that the social, political and economic challenges facing the GOG justify the presence of OHCHR/Guatemala. He underscored the valuable role of USG political and economic support in the organization's success, and emphasized that the Ambassador's presence at its events has been a fundamental positive influence on the GOG. According to Monge, if the Ambassador speaks, everyone listens and takes note.

¶12. Comment: OHCHR/Guatemala is highly visible in Guatemala

and organizes numerous programs and events to focus attention on key human rights issues. Its decision to focus on insecurity, impunity, and poverty is not surprising in the context of Guatemala's increasing level of violence and the large percentage of the population that lives in poverty or extreme poverty. The organization has had some notable success in tackling these issues, although serious challenges remain. USG political and economic support have had a positive impact on the effectiveness of its programs.

McFarland